

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 12-005**

**IN RE: MICHAEL COOPER
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of Michael Cooper (the "Respondent"), pursuant to KRS 11A.080(1), on December 2, 2011.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission focused its investigation upon the Respondent's possible violation of the Ethics Code by using his official position to give himself a financial gain and an advantage in derogation of the public interest at large; using his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failing to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

The Commission notified the Respondent of the preliminary investigation by letter dated December 7, 2011. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and

voted on May 14, 2012, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
6. The Respondent has the right to legal counsel during this proceeding. If

the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

7. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

8. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.


9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

10. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.


11. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.


So ordered this 14th day of May 2012.

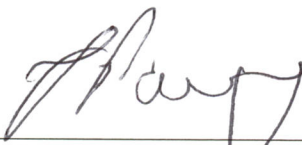
EXECUTIVE BRANCH ETHICS COMMISSION:


Angela Edwards, Chair


W. David Denton, Vice-Chair


William L. Khopf, Member


William G. Francis, Member


Lewis G. Paisley, Member

**APPENDIX A
CASE NO. 12-005
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Michael Cooper, was at all relevant times an employee of the Commonwealth of Kentucky, serving as the Commissioner of the Department of Tourism, Arts, and Heritage Cabinet. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Michael Cooper committed the following violation:

COUNT I

Michael Cooper, during his course of employment as a Commissioner of the Department of Tourism, Arts, and Heritage Cabinet, used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest.

Specifically, in June of 2011, prior to a prescheduled and approved trip to France, Cooper travelled to London, England, without notice to or prior approval of his appointing authority, and participated in events organized by GOSH PR. GOSH PR is an entity with which the Cabinet maintained an ongoing contract. During the London visit, GOSH PR paid for meals, taxi cabs and other activities. Upon returning to Kentucky, when questioned about leaving two days early for the France trip, Cooper informed his Cabinet by email that his trip to London was for personal reasons. However, Cooper later approved an invoice submitted by GOSH PR for reimbursement by the Cabinet of the expenses incurred by GOSH PR on Cooper's behalf during his London visit.

In addition, during Cooper's tenure as Commissioner, he generally failed to follow personnel rules for reporting travel expenses, charged personal items to a state-issued credit card without informing his Cabinet, conducted personal business while on approved state travel, booked more expensive flights so that he could travel for business and pleasure, and showed an overall failure to keep the documentation necessary for reimbursement for business travel. But for the efforts and watchful eye of the diligent staff of the Cabinet, Cooper's activities would have gone undetected and he would have benefitted financially and received privileges to which he should not have had access.

These facts constitute a violation of KRS 11A.020(1)(c) and(d).

KRS 11A.020(1)(c) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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